

## **REMARKS / ARGUMENTS**

The enclosed is responsive to the Office Action mailed on March 3, 2009. At the time the Examiner mailed the Office Action claims 89-104 were pending. By way of the present response the Applicants have: 1) amended claims 89, 93, and 99; 2) added no new claims; and 3) canceled no claims. As such, claims 89-104 are now pending. The Applicants respectfully request reconsideration of the present application and the allowance of all claims now represented.

### **Claim Objections**

Claim 89 was objected to as stating "an first" instead of "a first." Applicants have made the desired non-narrowing amendment."

Claim 94 states "routine to save a status" is understood to refer to "routine saves a status." Applicants respectfully submit that the language of the claim in the infinitive is fine.

Claim 99 was objected to as stating "correct" instead of "corrected." Applicants have made the desired non-narrowing amendment."

### **Claim Rejections**

#### **35 U.S.C. § 112 Rejections**

Claim 100 stand rejected under 35 U.S.C 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Like claim 94, Applicants respectfully submit that the language of the claim in the infinitive is fine.

#### **35 U.S.C. 103(a) Rejections**

Claims 89, 93 and 94 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,740,357 (hereinafter "Gardiner") in view of U.S. Patent 5,781,750 (hereinafter "Blomgren").

With respect to claim 89, the combination does not describe:

A processor comprising:

first logic to detect an error;

second logic to attempt to correct a detected error;

and

a first interface to a first memory that stores a set of procedures to access the processor and at least a first software error handling routine to be invoked by the processor via the first interface when the second logic cannot correct the detected error.

First, Applicants would like to note that the rejection set forth by the Office Action does not consider all of the limitations of the claim as required by MPEP 2144.03 ("All words in a claim must be considered in judging the patentability of that claim against the prior art."). Specifically, the Office Action did not consider the limitation of "second logic to attempt to correct a detected error."

Second, the combination does not describe the limitation of "second logic to attempt to correct a detected error."

Third, the claim requires "a processor comprising..." While Gardiner describes the a "service element" which may be a "CPU," Gardiner does not describe what the CPU comprises. The Office Action's rejection cites an error detector and error handler as allegedly meeting some of the claim limitations, but these are not a part of Gardiner's CPU.

Finally, the combination does not describe "a first interface to a first memory that stores a set of procedures to access the processor and at least a first software error handling routine to be invoked by the processor via the first interface when the second logic cannot correct the detected error." The Office Action cites the combination of Gardiner and Blomgren as describing this limitation. However, neither Gardiner nor Blomgren, alone or combination, describe anything having two different error correction types where one is hardware and the other is software. The Office Action merely asserts that Gardiner describes multiple levels of recovery, but that does not describe what is claimed.

For at least these reasons, the combination does not describe what Applicants are claiming. Claims 90-92 are dependent on claim 89 and are allowable for at least the same rationale.

With respect to claim 93, the combination does not describe:

A system comprising:

- a processor;
- a first memory coupled to the processor, the first memory to store at least a first firmware error handling routine to be invoked by the processor to attempt to correct a detected error when the processor cannot correct the detected error; and
- a display coupled to the processor.

The combination does not describe “a first memory coupled to the processor, the first memory to store at least a first firmware error handling routine to be invoked by the processor to attempt to correct a detected error when the processor cannot correct the detected error.” The Office Action cites the combination of Gardiner and Blomgren as describing this limitation. However, neither Gardiner nor Blomgren, alone or combination, describe this limitation. Specifically, neither Gardiner nor Blomgren describe a processor attempting to correct a detected error. In Gardiner an external “error detector 30 monitors the behavior of the service element 14 [CPU] by comparing expected behavior with actual observed behavior.” (Gardiner, col.4 ll.33-35.) There is nothing in Gardiner that even suggests that the service element attempts to correct an error. Blomgren also does not describe this.

For at least these reasons, the combination does not describe what Applicants are claiming. Claims 94-100 are dependent on claim 93 and are allowable for at least the same rationale.

Claims 90-92, 95, 97, and 98 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Gardiner and Blomgren as applied to claim 89 above, and further in view of U.S. Patent 5,594,905 (hereinafter “Mital”). Claims 90-92 are dependent on claim 89 and are allowable for at least the same rationale. Claims 95, 97, and 98 are dependent on claim 93 and are allowable for at least the same rationale.

Claim 96 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Gardiner and Blomgren as applied to claim 94 above, and further in view of U.S. Patent 5,787,095 (hereinafter "Myers"). Claim 96 is dependent on claim 93 and is allowable for at least the same rationale.

Claims 99 and 100 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Gardiner, Blomgren and Mital as applied to claim 98 above, and further in view of Official Notice. Applicants respectfully disagree with the rationale put forth for the Official Notice. Additionally, claims 99-100 are dependent on claim 93 and are allowable for at least the same rationale.

Claims 101 and 102 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Gardiner, Blomgren, and Mital. Mital describes

With respect to claim 101, the combination does not describe:

A system comprising:

a non-volatile memory to store firmware including a processor abstraction layer (PAL) and a system abstraction layer (SAL), wherein the PAL provides an interface to access the processor across different processor implementations and a first error handling routine and the SAL isolates an operating system from implementation differences in the system and provides a second error handling routine; and

a processor coupled to the non-volatile memory, the processor to execute the first and second error handling routines to attempt to correct an error.

First, the combination does not describe "a non-volatile memory to store firmware including a processor abstraction layer (PAL) and a system abstraction layer (SAL), wherein the PAL provides an interface to access the processor across different processor implementations and a first error handling routine and the SAL isolates an operating system from implementation differences in the system and provides a second error handling routine."

Second, the combination does not describe “a processor coupled to the non-volatile memory, the processor to execute the first and second error handling routines to attempt to correct an error.”

Claims 103 and 104 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Gardiner, Blomgren and Mital as applied to 102 above, and further in view of Myers. Claims 103 and 104 are dependent on claim 101 and are allowable for at least the same rationale

In light of the comments above, the Applicants respectfully request the allowance of all claims.

## **CONCLUSION**

If the Examiner believes an additional telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call David F. Nicholson at (408) 720-8300.

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due.

Respectfully submitted,

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